

REMARKS

CLAIM REJECTIONS

35 USC §102

Claims 1-2, 5-17, and 32-48

Claims 1-2, 5-17, and 32-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeh. Claims 1, 32, and 44 are independent claims from which the remaining claims depend. The following arguments will focus on these independent claims.

Independent Claim 1

Claim 1, requires a "hemispheric conversion material region formed separately from said light source and including conversion particles distributed uniformly throughout." Applicant submits that Reeh does not teach or disclose these limitations.

The Office looks to element 4 for these limitations, but the reference does not disclose a conversion material region including conversion particles distributed uniformly throughout. Reeh does not include any figures or any discussion of embodiments including a uniform distribution of conversion particles throughout the conversion material region. Reeh does illustrate embodiments having a luminescence conversion layer 4 with constant thickness. (See Reeh: Par. [0019], FIGs.2-4, 6). However, Reeh continues to explain that the luminescence conversion element's material should be distributed inhomogeneously to compensate for different path lengths of the light. (See Reeh: Par. [0025]). Further, Reeh explains that

having a constant thickness in the conversion layer 4 is important "to ensure a uniform color of the radiated light." (Id. at Page 2, paragraph [0019]). However, if the covering 29 were to include conversion material, the resulting luminescence conversion layer would not have a constant thickness. Thus, the disclosure in Reeh implies that the conversion particles would not be distributed uniformly throughout an element combining the covering 29 with the luminescence conversion layer 4. In addition, Reeh also discusses that these embodiments would homogeneously mix the radiation output of the device but does not disclose that the luminescent material itself should be uniformly distributed. Reeh does not teach all the limitations of claim 1. Claim 1 is otherwise allowable.

Claims 2 and 5-17 depend from allowable claim 1 and are allowable for at least the same reasons as claim 1.

Independent Claim 32

Claim 32 contains limitations similar to claim 1. Applicant submits that the arguments for patentability of claim 1 apply to claim 32 with equal force.

Reeh does not teach all of the limitations of claim 32. Claim 32 is otherwise allowable.

Claims 33-43 depend from allowable claim 32 and are allowable for at least the same reasons as claim 32.

Independent Claim 44

Claim 44 contains limitations similar to amended claim 1. Applicant submits that the arguments for patentability of claim 1 apply to claim 44 with equal force.

Reeh does not teach all the limitations of claim 44. Claim 44 is otherwise allowable.

Claims 45-48 depend from allowable claim 44 and are allowable for at least the same reasons as claim 44.

Claims 18-21, 23, 24, and 27-31

Claims 18-21, 23, 24, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Odaki (US 2001/0050371) (hereafter "Odaki"). Claim 18 is an independent claim from which claims 19-21, 23, 24, and 27-31 depend. Although the Applicant doesn't necessarily agree with the Office's determinations regarding patentability, claim 18 has been amended to more fully describe the subject matter therein.

Odaki does not disclose all the limitations of claim 18. Amended claim 18 requires a "conversion material lens formed separately from said light source and positioned on said light source." Support for this amendment is found, for example, at paragraph [0062] of the specification.

Odaki does not teach or disclose a conversion material lens formed separately from said light source as required by claim 18. Instead, Odaki discloses an LED device having a fluorescent substance, containing a phosphor, in the form of a layer that is placed on an outer surface of the light-emitting element. (Odaki: paragraph [0048] and FIG. 1B). The Office refers to fluorescent layer 2' in FIG. 1B of Odaki as being analogous to the conversion material lens of claim 18. However, fluorescent layer 2' is formed by adhering a film to the outer surface. This is not analogous to forming a lens separately and positioning it over the light source. In addition, none of the

remaining embodiments in Odaki teach the conversion material lens of claim 18, because the members containing the phosphor material are not perforated to interface with the first contact as required by claim 18.

An advantage of the separately formed conversion material lens of claim 18 is that this configuration allows for lenses which are less expensive than lenses fabricated using conventional techniques. (Paragraph [0040]). Furthermore, the conversion material lens can be tested prior to bonding the phosphor loaded cap to the light source. (Paragraph [0069]). If the emitter has substandard emission or is otherwise defective, then a determination can be made as to whether the light source or conversion material lens is defective. (Id). The faulty component can then be discarded and substituted with a new component. The replacement process avoids the waste associated with the conventional manufacturing processes where the entire emitter is discarded if the emission is substandard. In Odaki, the resin composition containing red phosphor 4 is formed on the substrate by molding the resin into the desired shape. (Odaki: Page 3, paragraph [0050]). Thus, the resin composition is not formed separately from the light source, but is formed after the resin is deposited on the substrate and molded into the desired shape.

Odaki does not disclose all the limitations of claim 18. Claim 18 is otherwise allowable.

Claims 19-21, 23, 24, and 27-31 depend from allowable claim 18 and are allowable for at least the same reasons as claim 18.

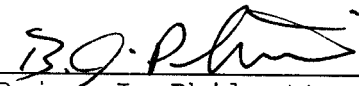
Applicant requests that the rejection of claims 1, 2, 5-21, 23, 24, and 27-48 under 35 U.S.C 102 be withdrawn.

CONCLUSION

Applicant respectfully submits that claims 1, 2, 5-21, 23, 24, and 27-48 are allowable and request that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,

Date: June 21, 2010



Brian J. Philpott
Attorney for Applicants
Registration No. 58,688

KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Rd, Suite #215
Westlake Village, CA 91361
(805) 373-0060